

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IVY TECH COMMUNITY COLLEGE
OF INDIANA,

Plaintiff,

V.

THE TRAVELERS INDEMNITY
COMPANY,

Defendant.

CAUSE NO.: 1:21-CV-1782

NOTICE OF REMOVAL

Defendant, The Travelers Indemnity Company (“Travelers”), by counsel, files this Notice of Removal to remove the above-entitled action to this Court. Travelers, appearing solely for the purpose of this removal, and preserving all defenses available to it, states:

1. On May 28, 2021, Plaintiff, Ivy Tech Community College (“Ivy Tech”), filed its Complaint against Travelers in the Delaware Circuit Court of the State of Indiana, under Cause No. 18C03-2105-PL-000061.

2. On June 7, 2021, Travelers was served by certified mail with a Summons and Ivy Tech's Complaint.

3. No further proceedings have been had in the Delaware Circuit Court.

4. Ivy Tech is a state educational institution under Indiana Code § 21-22 with its principal place of business in Indianapolis, Indiana. Ivy Tech is therefore a citizen of Indiana for purposes of diversity jurisdiction.

5. Travelers is an insurance company organized under the laws of the State of Connecticut with its principal place of business in Hartford, Connecticut. Travelers is therefore a citizen of Connecticut for purposes of diversity jurisdiction.

6. Ivy Tech's Complaint seeks declaratory relief as to insurance coverage and also alleges claims for breach of contract and bad faith. A true and accurate copy of the Complaint is attached as Exhibit A.

7. The amount in controversy exceeds \$75,000, exclusive of interest and costs, because Ivy Tech alleges and seeks damages resulting from an explosion at a multimillion-dollar building it owns.

8. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332, because it is a civil action between citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

9. This Notice is being filed with this Court within 30 days of service of the Summons and Complaint on Travelers.

10. Under 28 U.S.C. § 1441(a), venue is proper in this Court because it embraces Delaware County, where this action is currently pending.

11. This action does not fall within any class of actions under which applicable rules, laws, or statutes limit or prohibit removal to this Court.

12. Pursuant to 28 U.S.C. § 1446(d), Travelers will file a copy of this Notice of Removal with the Delaware Circuit Court, and Travelers will serve Ivy Tech with this Notice of Removal.

WHEREFORE, Defendant, The Travelers Indemnity Company, gives notice of the removal of this action from the Delaware Circuit Court to this Court.

LEWIS WAGNER, LLP

/s/ Michael R. Giordano

JOHN C. TRIMBLE, #1791-49

MICHAEL R. GIORDANO, #31317-53

EDMUND L. ABEL, #36293-49

***Counsel for Defendant, The Travelers Indemnity
Company***

CERTIFICATE OF SERVICE

On June 16, 2021, a copy of the foregoing was served on the following parties electronically by using the Court's ECF System and U.S. Postal Service, pre-paid delivery for those parties not yet registered:

Nicholas B. Reuhs
Samuel B. Gardner
ICE MILLER LLP
One American Square
Suite 2900
Indianapolis, Indiana 46282-0200
Counsel for Plaintiff

By: /s/ Michael R. Giordano
MICHAEL R. GIORDANO

LEWIS WAGNER, LLP
1411 Roosevelt Avenue, Suite 102
Indianapolis, IN 46201
Telephone: 317-237-0500
Facsimile: 317-630-2790
jtrimble@lewiswagner.com
mgiordano@lewiswagner.com
cabel@lewiswagner.com